UNITED
NATIONS

A

General Assembly

Distr.
GENERAL

A/48/130
13 April 1993

ORIGINAL: ENGLISH

Forty-eighth session
Items 117 and 121 of the preliminary list*

INFORMATION FROM NON-SELF-GOVERNING TERRITORIES TRANSMITTED UNDER ARTICLE 73 e OF THE CHARTER OF THE UNITED NATIONS

QUESTION OF EAST TIMOR

Note verbale dated 5 April 1993 from the Permanent Representative of Portugal to the United Nations addressed to the Secretary-General

1. The Permanent Representative of Portugal to the United Nations presents his compliments to the Secretary-General of the United Nations and, with reference to the note dated 3 March 1993, has the honour to kindly call his attention to the information provided by the Permanent Mission in its note verbale dated 28 March 1991 (A/46/131), as required by Article 73 e of the Charter of the United Nations, the terms of which remain valid.

2. Since the Government of Portugal continues to be prevented de facto from exercising its responsibilities for the administration of the territory of East Timor, owing to the latter's illegal occupation by a third country, it remains unable to provide any information concerning that territory under Article 73 e of the Charter. Nevertheless, the Government of Portugal would kindly draw attention to the following:

3. The United Nations Commission on Human Rights adopted on 4 March 1992 a consensus statement on the situation of human rights in East Timor, particularly in the light of the 12 November 1991 killing of a large number of East Timorese civilians by Indonesian security forces, at the Santa Cruz cemetery in Dili, capital of East Timor. 1/ Indonesia, as a member of the Human Rights Commission, fully subscribed to that consensus statement. Since then, regrettably, the human rights situation in East Timor has not improved, and the

---

* A/48/50.

Indonesian authorities have failed to comply fully with the provisions of that consensus statement by not fulfilling the commitments they have undertaken therein.

In particular, Indonesia has failed to investigate further into the action of its security forces on 12 November 1991, and also into the exact number of people killed and into the number and fate of the people unaccounted for that day. In that context, the disparity between the harsh prison sentences handed to civilians not indicted for violent activities, on the one hand, and the light prison sentences given to the military involved in the incident, on the other, were particularly shocking.

4. It is against this regrettable background that Xanana Gusmão, leader of the East Timorese resistance movement, was captured in Dili on 20 November 1992, by the Indonesian security forces. Mr. Gusmão is currently being tried in contravention not only of the principles and fundamentals of international law and the United Nations Charter, but also of the resolutions on East Timor adopted by the General Assembly and the Security Council. Indonesia lacks therefore any legal, political or moral authority to bring Xanana Gusmão to trial. Furthermore, the obvious constraints to which the defendant and the witnesses are submitted show that the trial of the East Timorese leader offers no guarantees of impartiality and objectivity and will not meet international standards of fairness. It is developing into a somber farce guided by the purpose of serving Indonesia's political aim of consolidating its illegal annexation of East Timor, in blatant disregard for the right to self-determination of its people.

The situation of many East Timorese detained at the same time of the capture of Xanana Gusmão is also a cause of deep concern and should merit the attention of the United Nations and of the international community as a whole.

5. It was in this context that the Subcommission on the Prevention of Discrimination and Protection of Minorities, during its last session in August 1992, adopted resolution 1992/20 on the "Situation in East Timor", in which the Subcommission, inter alia, expressed "its utmost concern at reports of continuing widespread human rights violations in East Timor".

The question was subsequently discussed by the Commission on Human Rights during its forty-ninth session (February-March 1993); the Commission had before it a report on the situation in East Timor presented by the Secretary-General pursuant to the consensus statement of the previous session (E/CN.4/1993/49), and, on 11 March 1993, adopted resolution 1992/20 on the "Situation in East Timor" where, once again, deep concern was expressed over the reports of continuing human rights violations in East Timor.

6. In addition to those resolutions and that report, a number of official United Nations documents were circulated regarding the situation prevailing in East Timor. It would be worth recalling here those documents and their references:

(a) Letter dated 24 March 1992 from the Permanent Representative of Portugal addressed to the Secretary-General (A/47/134-S/23757);

(b) Letter dated 21 April 1992 from the Permanent Representative of Portugal on behalf of the European Community and its member States addressed to the Secretary-General (A/47/169);

(c) Note verbale dated 1 May 1992 from the Permanent Representative of Portugal to the United Nations addressed to the Secretary-General (A/47/189);

(d) Letter dated 5 June 1992 from the Permanent Representative of Portugal to the United Nations addressed to the Secretary-General (A/47/259);

(e) Letter dated 26 June 1992 from the Permanent Representative of Portugal to the United Nations addressed to the Secretary-General (A/47/299);

(f) Letter dated 10 July 1992 from the Permanent Representative of Portugal to the United Nations addressed to the Secretary-General (A/47/331);

(g) Letter dated 10 July 1992 from the Permanent Representative of Portugal to the United Nations addressed to the Secretary-General (A/47/332);

(h) Letter dated 23 November 1992 from the Permanent Representative of Portugal to the United Nations addressed to the Secretary-General (A/47/709).

7. The Permanent Representative of Portugal to the United Nations has the honour to request that the present note be circulated as an official document of the General Assembly under items 117 and 121 of the preliminary list.

Notes

1/ Official Records of the Economic and Social Council, 1992, Supplement No. 2 (E/1992/22-E/CN.4/1992/84), para. 457.